

Minutes of a Regular Board Meeting held by the Town Board of the Town of Riverhead Acting as the Governing Body of Riverhead Town held in the Town Hall, Riverhead, New York on Tuesday, March 6, 1990 at 7:30 p.m.

Present: Joseph F. Janoski, Supervisor
Denise Civiletti, Councilwoman
Victor Prusinowski, Councilman
James Stark, Councilman

Also Present: Patricia Moore, Town Attorney
Irene J. Pendzick, Town Clerk

Absent: John Lombardi, Councilman

Supervisor Janoski called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was recited .

Supervisor Janoski: "May I have a motion to approve the Board meeting minutes of the Board Meeting of February 20, 1990."

Councilman Stark offered the resolution which was seconded by Councilman Prusinowski.

RESOLVED that the Minutes of the Regular Board Meeting held on February 20, 1990 are hereby dispensed and approved without objection.

The vote, Prusinowski, yes, Stark, yes, Civiletti, yes, Janoski, yes.

4 yes and 1 absent

The resolution was thereupon duly declared adopted.

Supervisor Janoski: "As we are awaiting for some people to arrive yet, we will move on to the reports."

REPORTS

Jamesport Fire Dist. Annual Report for 1989

Receiver of Taxes: Report of collections as of 2/16/90
\$21,000.800.20

Open Bid Report: Demolition of Ribiero Property
Camel Catch Basin Cleaner/Highway
Pick Up Truck/Bay Constable
Janitorial Supplies

C.A.C. Minutes of February 28, 1990 Meeting

Town Clerk: Monthly Report - February 1990

OPEN BID REPORT - DEMOLITION OF RIBEIRO BUILDING

Bid Date: February 25, 1990 at 11:00 a.m.

#1	Riverhead Cement Block Roanoke Avenue, Riverhead, NY	\$5,680.00
#2	Bills Lawn Service Wading River, NY	\$10,270.00

OPEN BID REPORT - CAMEL CATCH BASIN CLEANER/HIGHWAY

Bid Date: March 1, 1990 (1 Bid Submitted)

#1	Sam Allen's Modern Machiners Coram, NY	\$65,000.00
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OPEN BID REPORT - JANITORIAL SUPPLIES

Bid Date: March 5, 1990

See file for particulars (to numerous)

OPEN BID REPORT - PICK UP TRUCK/BAY CONSTABLE

Bid Date: March 5m 1990

#1	Sayville Ford 620 Johnson Avenue Bohemia, NY 11716	\$13,291.67
#2	Buzz Chew Chevrolet-Olds, Inc. 109 Pantigo Road East Hampton, NY 11937	15,235.00

Sewer District: Discharge Monitoring report for
January, 1990

APPLICATIONS:

Parade Permit: Little Flower Children's Services

Special Permit: Mohring Enterprises for gas station
and minimart, Warsaw Park

Petition: M. A. Raymar Dev. Corp. for Water Ext.

Petition: Somerset Glen Subdivision/Water Ext.

Site Plan: Mill Pond Commons (100 Condo Units -
Elton Street)

CORRESPONDENCE:

Residents of Calverton: Twelve residents objection to
application of "Splish Splash" for
water park

Wm. Haydamach &
Barbara Kanarkaris: Advising they have no objection to
"Splish Splash" application

Sherry Johnson: Observing that it's inappropriate to
use beach sand at Peconic Ave site and
suggests list of trees and shrubs

Young & Young: Recommending low bidder, Riverhead
Cement Block be awarded bid re:
Demolition of Ribiero Property

NYS DEC: Confirming that positive declaration
re: East End Commons is filed

Allen Smith, Esq.: Letter of support for Town Code
Amendment re: Modular Housing

Riverhead Raceway: Submitting racing schedule for 1990
Season and requesting application for
fireworks permit

Theresa Maher: Requesting 6 months leave of absence
as of March 19, 1990

Supervisor Janoski: "Thank you. There are a few minutes
remaining and I would open the meeting to any comments that
anyone might have excepting those items which are up for Public
Hearing which is a different subject."

David Goldman, Riverhead: "I am here tonight representing
the North Fork Environmental Council. Regarding a resolution on

tonight's agenda granting extension of special permit as modified Broad Cove Inc. The NFEC, as you know, has been following the Broad Cove application with some interest for some time and as the public is aware the Town of Riverhead denied the Special Permit extension to the applicant in 1988 and was subsequently sued by the applicant and won that suit. NFEC finds it somewhat unsettling that the Town would even consider settling an appeal on a case that has already been won by the Town. We wonder who won the award and if your attorney thought this was a good idea. Your resolution suggests that you are negotiating for the number of units and boat slips on this application. We are wondering where the figure that you mentioned in here came from. We feel that it may be inappropriate for the Town to take a lead agency role in this if the negotiate until a new application is filed. The old application was denied. The old application is dead and if the developer wants to build he has to - should be required by law to resubmit an application. This is not what is known as a planned unit development zone so the Town Board in our view has no authority to negotiate in that geographic area until there is a new application and if there is a new application that should be required to go through the SEQOR process, just as the old application was. This development is on Terry's Creek which is designated a critical environmental area by both the county and the town. That's an automatic Type 1 action that means that for a positive declaration you have to do an Environmental Impact Statement study. The old SEQOR process, we feel, was invalid because of the Draft Environmental Impact Statement was given to the Town Board first and then a scoping hearing was held instead of the other way around. In our opinion as an organization this settlement of an appeal which was never even filed, which is of questionable legality, is unconscionable. NFEC will look very unfavorably if you continue in this vein. Thank you very much."

Supervisor Janoski: "Thank you. We have a presentation to make this evening which is the result of our Labor Management Organization which has been formed in the community in the Town and has been doing some outstanding work. One of the results of this group is that we will on a regular basis recognize an outstanding employee, one who in the judgment of this particular group is committed and dedicated to the service to the people of the Town and to the job that they do. We have this evening the opportunity to make this very first award of an outstanding employee. I would ask that the members of the Labor Management Group could come up here and join the Town Board and we'll step down off the dais and make this presentation.

This doesn't represent the entire group, but Monique Gablenz has served on the committee and is Deputy Town Supervisor, Nancy Morrow, representing employees, Denise Civiletti, Town Board, Sal Quinonez, representing labor. We are delighted to make this first award and let me read the proclamation which has been prepared.

"Whereas it is both fitting and proper that the Town of Riverhead recognize outstanding service of its employees.

Whereas in order to provide mechanism to recognize said employees we have the recommendation of the Labor Management Committee, The Employee of the Quarter program has been established.

Whereas Ann M. Ribeiro has dedicated herself to the service of this government and its citizens.

Whereas her service has exemplified the highest ideals, in the expression of public duty.

Now therefore, I, Joseph F. Janoski, Supervisor of the Town of Riverhead, do hereby present this Proclamation to Ann M. Ribeiro in recognition of being named Employee of the Quarter and I call for my fellow citizens to join with me in recognition of her accomplished service.

In witness whereof, I have here into, set my hand and caused the great seal of the Town of Riverhead to be affixed the 6th day of March, the year of our Lord, 1990."

I think its time that we recognized -----applause.

Ann, it is a pleasure to present that to you. This plaque will be hung in Town Hall and of course there is a name for Ann which has been inscribed and there is place for those who will be named in the future. Town of Riverhead Employee Recognition Award -- I'm going to let you hold on to that---

Ann Ribeiro: "Oh that's nice."

Supervisor Janoski: "We have for you a \$100.00 Savings Bond half of which was paid for by the employee's group which is known as the CSEA and the other half by the Town and I hope dinner for two at the Chinese Restaurant, Hy-Ting. Tell them Joe sent you. Applause. Would you like to say anything?"

Ann Ribeiro: "Yes, I just want to thank my boss, Stan because without him I wouldn't be up here. I just overwhelmed and speechless and honored and that's it. Thank you."

Supervisor Janoski: "You're very welcome. Now we will get down to business. Is everybody ready? Let the record show that the hour of 7:49 P.M. has arrived. The Town Clerk will please read the Notice of Public Hearing."

Irene J. Pendzick, Town Clerk: "I have affidavits of publishing and posting for a Public Hearing to be held at Riverhead Town Hall on Tuesday, March 6, 1990 at 7:45 P.M. to hear all interested persons who wish to be heard regarding a proposed amendment to a local law "Raceways Motor Vehicle."

Patricia Moore: "The amendment to the local law that is now in the Town Code Book is a result of a study that was conducted by Lewis S. Goodfriend & Associates which was an engineering group that specializes in acoustics. They went out to the

property lines at the different locations throughout the town and measured throughout the town what the ambient or the typical noise readings are and also what the noise level is when the raceway is in operation. As a result of this study which the Board received and had a chance to review and study the Board proposes the following changes to the local law. The first change is that the muffler provision, which is already in the code, has a definition of mufflers that incorporates the vehicle and traffic law. One section which was pointed to has been revised so that it is now we hope clear for everyone to know exactly what kind of mufflers is the minimum requirement the town will impose. The second provision is the actual noise ordinance itself. What the engineering consultants found was that a noise level of 69 decibels is a reasonable noise level to expect at a residential property line. This is what we've included in the code. The decibel reading would be based on a property line where a residential use is on that property. So if the raceway abuts an industrial use, it would not apply. Only for residential uses. As long as the raceway can meet the decibel reading at a residential property line then, there is no problem with the raceway."

Supervisor Janoski: "Beginning Public Hearings such as this one which attract a great deal of interest and of course are controversial, I'd like to point out that we do operate under certain rules and proceedings here. This is a legal undertaking, it is a record which is being formed concerning the proposal. It is an opportunity for the people in the community to tell the Town Board if it is opposed or for the proposal and to give some legitimate reasons as to why. Of the individuals who take the microphone and who are recognized have five minutes and that is the allocation that we adhere to. An individual can be recognized a second time after everyone who wishes to speak has been heard. But we want to make sure that everyone who wants to speak has the opportunity, so we limit it to five minutes. The chair does not allow any discussion between the speaker and individuals in the audience. So if you want to argue with someone I would ask you to do it other places than here. We ask that you address your comments to the Board. You are here to give us testimony as to why it is a good idea or a bad idea to enact this provision or amendment to the local law. I have to say that one hears in my office every rumor that circulates throughout this community. It has long been the state position of this Town Board and previous Town Boards that we are in no way acting to close the Riverhead Raceway. We are trying to come upon a provision that will allow a coexistence in this community with the Raceway operating. So that we are not here with the intention of closing the Raceway. As a matter of fact I can point to many instances where we have bent over backwards to try to accommodate the Raceway and to try to keep its operation from being interfered with. But as long as both sides, I guess, think that we are in collusion to do something, those who are opposed to the Raceway and those who are for it. I guess we are doing a good job. Because the rumors also circulate that we are trying to do everything possible to keep

the Raceway operating and to keep that noise in. Having said that those are the rules by which we operate, please address your comments to us up here, please try to do it in a way that is acceptable in a chamber of government and in a legal proceeding as we are having here. Who wishes to go first. Why not Alice? You should be."

Alice Graff, Riverhead: "I am vehemently opposed to your law. This track has been in operation for years prior to Stark's Mobile Park. There's no reason why, we have already spent a lot of money searching and all this sound item. The Racetrack is offensive to some of the people that live on the line at Stark's Park. Since this is the case, there should be no reason for the overall taxpayers of this town to pay for the very expensive noise testing equipment and police hours. Rather an anti-noise wall should be constructed at the expense of the owners of the park. It should be up to the Stark boys to provide this service for their tenants. The track in Islip was forced to close. Property sold and the new owner brought in industry. A bakery came onto the site. Presently there is an effort to close this business. Now instead of a racing season of short duration, there is a great deal of noise, day and night. Seven days a week. Due to the increase employee traffic, industrial equipment and trailer trucks making noise all night long. Again, I vehemently oppose this law. Thank you."

Supervisor Janoski: "Thank you Alice. Yes."

Warren McKnight, Wading River: "I don't go to the raceway, but we need the raceway in town. We don't have a movie, we don't have a bowling alley. People have to have a reason to come to Riverhead. We need commerce in this town. We need it to survive. We have to work with them. If we don't it will send a clear message. We lost another business across from the Riverhead Savings Bank, Ed Williams, remember Mr. Williams, Minority Entrepreneurship Conference. He moved his office out. Basically because of the old boiler. We need a draw to get people to come to Riverhead Town. It's very important that we have a good rapport with the raceway and we keep it here. We just have to be reasonable. That's all. But we cannot send this message that Riverhead is not a fun place to be. Again, I don't go to the races, but many people enjoy it, when it's crowded over there I can take an alternate route, but it is nice to see people coming to Riverhead, families even, to enjoy. Thank you." Applause

Supervisor Janoski: "Who wishes to address the Town Board. Yes Sir."

Stanley Krupski, Calverton: "I would like to say that I am definitely opposed to this proposed noise ordinance amendment. I feel that the study performed by Goodfriend Associates for the Town of Riverhead is lacking and one sided in many respects. In the first place, Goodfriend Associates even said that they could

find no ordinance pertaining to a racetrack only residential zone areas. The study does not take into consideration the many different classes of race vehicles that use Riverhead Raceway, each one developing a different engine noise or car noise. I believe that the weather conditions should have been incorporated into the study, such as wind direction and wind speed which definitely do have an affect on the acoustics. From what I read, what kind of a just study can one get from a one night survey. This study mentions nothing of other track noises or any noise coming from other neighboring property. I think this whole study and drafting of this noise ordinance by Goodfriend Associates is a total waste of the taxpayers of Riverheads money. We the race carowners and drivers have lived up to your mandating of mufflers and may I add that these race cars are not motor vehicles as defined by the NYS Department of Motor Vehicles. I believe that if a working man can work in an environment with 90 decibels and at times above 90 for eight hours according to the OSHA Standards, these people that are complaining about the noise of the racetrack should be able to put up with us for 5 to 6 hours, one night a week and on Wednesday nights during the racing season. If this Town Board passes this unjust and unneeded law, I would like to see the same law placed on Grummans, Polish Town Fair, County Fair, construction work, etc. Thank you very much." Applause.

Supervisor Janoski: "Does anyone else wish to address the Town Board? Eddie."

Edward Purcell, Riverhead: "It's nice to see you here tonight. Are you feeling better?"

Supervisor Janoski: "I wish that I wasn't."

Edward Purcell: "I'm more of a ---I try to be a friend to the raceway even though I do not speak for them. I feel that this law is completely unfair. Although you stated that you do not want to close the raceway, you in effect by passing this law will make it not cost effective for the people who own the raceway to continue because at least two classes of cars will not be able to meet these standards which is much, much to low. As the past speaker said that OSHA said a normal worker can without hearing loss have noise up to 90 decibels for a total of 8 hours in succession before any noticeable hearing loss. That's OSHA's standards, that's not anybody elses."

Supervisor Janoski: "I don't want to interrupt you, but if you could, can you provide a comparison like 90 decibels-----if you have it."

Edward Purcell: "Oh, I have that. Yes I can. Ninety decibels would be about what a lawnmower is if you are standing next to it or a lawnmower in a closed room. That's about what 90 decibel is, a lawnmower in a closed room. Also it's not something I question Lewis Goodfriend Associates. When they did the

readings, did they take into account the fact that any stationary things that were near it, such as mobile homes, if it was within 35 feet of the microphone when they test motor vehicles for their decibel levels they shouldn't be anything, they won't allow it. Because a normal decibel reading for a truck according to the vehicle and traffic law is 90 decibels for a truck over 35 miles per hour. When they test it they don't allow anything within 35 feet. It doesn't state in here whether there was anything. Now I took a walk through the distance between the raceway and the Mobile Home Park this afternoon and it's about 300 and 400 yards between the two, if you will agree with me. It should be someplace within there. Well according to your own report they took levels at the Drozier home and I believe that they were much higher than another check taken just 150 yards away from the raceway in clear line sight of the races going on. The levels were much higher at the Drozier home. Do you have any answers for that? Why they were higher 300 yards away than in clear line sight? I tend to think that most of these Goodfield ---although they may be good consulting engineers in acoustics they didn't take everything into account. Now, one thing that I know about the raceway is that with the stands and the way that the raceway is set right now it works as a "U" shape with three sides that either have a wall or stands on. What happens is the noise is funneled towards the Mobile Home Park. I believe that's the reason why the level is much higher at the Mobile Home Park, than at the raceway itself in clear line sight. Probably, from my own personal point of view, it could be an agreement with the racetrack to put some kind of a wall up if there was an agreement with other factors that maybe the racetrack want to do. Because I know there has been in the past, the raceway wanted to move the stands, add some more stands which they are not allowed to do unless the get an agreement with the Town. Possibly that could be a way of cutting back on the noise. Without going through this noise ordinance that is completely unrealistic to continue racing at Riverhead, also it, as the past speaker said, if you want to put this noise ordinance in then you should take into consideration any other noise emitting fairs, or anything else that emits noise in the Town of Riverhead and put it townwide. In that way, that means that you will have to take in account Grumman which I believe you are going to get problems from the neighbors shortly because from what I understand from one of the Grumman employees they have brought in some very noisy jets to work on and you are going to hear about that. Now what are you going to do about them? You're going to put a noise ordinance on them. Now that's unrealistic. The raceway was there before so that really being unrealistic I think is completely unfair. Trying to do something about the noise is fine. I do feel that the Town should make sure that each racer does have the proper mufflers on the car because they will be an outside person that has minimal, very minimal, they won't be biased at all and I think that is a good idea to have somebody from the outside come in and check the mufflers to make sure that they are fair. I think that in itself may cut down on some of the noise. But if you were to work with the raceway people I believe that you could

do more than what you are doing now which is antagonizing everybody. You antagonize the people in the Mobile Home Park because while you are not working fast enough to cut back the noise. You antagonize the raceway people, well you're trying to shut them down. You antagonize the racers because well now you're going to cut back on the horsepower of my car so if I can race, that's the only way I'm going to be able to race. Where I said before about the federal standards on noise for vehicles. According to NYS Vehicle and Traffic Law as I said trucks are allowed between 86 and 90 decibels within 35 feet of it. Just at 50 feet from the vehicle. A vehicle, a single vehicle under 10,000 lbs. is allowed between 76 and 82 decibels 50 feet from the vehicle and they take that level as I said before with no reverberating, nothing that is going to reverberate back to the sound check. Now what you are doing is your setting levels lower than what a normal State V. & T. Law is and it's just completely unfair."

Supervisor Janoski: "I'm very happy to hear some of the comments that you've made because I concur with many of them. We did enact a provision in our local law which provided for the use of mufflers and last year when we attempted to see if mufflers were used at the facility we were denied an access to the raceway. So then one has to do and take a direction which allows you to take action off the property which is what this is all about. I think that before the Town of Riverhead hired a sound engineer, I suggested to the owners and operators of the racetrack that they hire a sound engineer and see what steps could be taken to do what you talked about to mitigate the noise which was leaving the premises. A barrier of some kind, perhaps a berm, perhaps planting of vegetation might have a dramatic effect. That was rebuffed and rejected. This saga which I have lived with for far too many years has gone on and on and has been a complete lack of cooperation, I'm sorry to say from the operators of the racetrack. Not only on this issue, but on many issues, including the Fire Codes of the State of New York, the Building Codes of the Town of Riverhead, the special permit process and that type of activity. So that we find ourselves here today not for lack of trying to work out some accommodation but out of frustration for trying to put into law something that we can enforce and work with and have the raceway exist as a good neighbor. I'm happy to hear you say some of those things because we have attempted to do it and I thank you."

Edward Purcell: "I absolutely agree that there has been things that the racetrack has done that has created animosity between the Town and the raceway. If you know the background, they have come from a town where they did operate, where they did attempt to work with them somewhat with the town leaders."

Supervisor Janoski: "I know where they came from and I know the intention of that town government, that is not the intention of this town government."

Edward Purcell: "Yes, but even though it is not the intention everybody when they have a background of dealing with town government that is out to put them out, they feel as though when they have road blocks thrown up in front of them that that is what the next town wants. It may be wrong. It is probably not what you want, but that's where I feel they are coming from which has to be mitigating circumstances. But I do believe what should have been done first would have been put into law that town official, your code enforcement officer would initially go on and check the mufflers."

Supervisor Janoski: "We tried to do that and was denied access to the property."

Edward Purcell: "Yes, but was it put into law that they were-----"

Supervisor Janoski: "Of course Eddie and let me point out one other thing, because your time is up and we have to move on. Everyone points to Glenwood as the source of this particular problem. I have to tell you that communities and neighborhoods are being affected by this racetrack far beyond Glenwood. As a matter of fact, I stand on Main Street on a Saturday night and hear those cars almost like they are on the next block. Depending on the conditions, etc., etc. so while everybody likes to point at this one community there are other people in the community who are being affected."

Edward Purcell: "There's no question of that."

Supervisor Janoski: "Eddie your five minutes is long gone and I thank you for your comments. Who else would like to be recognized? I find that very hard to believe. No Alice. The red jacket that I see in the back there. Debra Cromarty."

Debra Cromarty, Representing the family from Riverhead Raceway: "I really wanted to be the last person to speak because everyone was so eloquent tonight. But I do have a need to correct one statement and that is we were in total cooperation with allowing the Town to come on the property to check the mufflers. What we did not allow was for any representatives to come and take noise readings and that's what we prevented. So either there was a lack of communication or whatever the situation was. But at that time that's what that decision was. We would have been more than happy to have the town come and inspect for mufflers. I also would like to say that we are very proud to carry the Riverhead Raceway name in our name. The quality of life is real important in all aspects in business and entertainment and everything. And we feel that Riverhead Raceway offers that aspect. There are not a lot of racetracks left on Long Island and a lot of places, but we do feel that this law is unjust and discriminatory and we hope that it doesn't go further and that we can all be friends and live together. Thank you."

Councilwoman, Denise Civiletti: "I have a question in response to the point that you just made about allowing access to check for mufflers, but not to take noise readings. It is my understanding that while some of the cars or many of the cars complied with the muffler requirements they modified the interior chambers of the muffler, I don't know what the inside of a muffler looks like but I was told that certain baffles were removed, and that essentially really compromised the ability of the muffler to muffle the sound. While the muffler was on the car it was changed so that it didn't act as a muffler and without taking noise readings it was not possible to enforce the law because the muffler was there and the enforcement officer was unable to take it off and take it apart to check for these baffles, but that was why the noise was continuing even though the mufflers were on the cars. Would you be willing to do anything and what if anything would you be willing to do to insure that modification of the inside of the mufflers was happening would not continue to happen?"

Debra Cromarty: "We would be willing to sit down and discuss that in further detail."

Denise Civiletti: "Is there anything you can think of that you could do to prevent that sort of modification?"

Debra Cromarty: "Nothing that comes to mind right now. But that certainly-----can give that some consideration definitely."

Councilman Prusinowski: "Basically the same question I was going to ask. I could understand your concerns about the decibel readings on proposing this amendment to the local law but wouldn't the raceway be in favor of allowing the Town Code Enforcement Officer with racetrack personnel to inspect the mufflers prior to the races? Would you be willing to do that?"

Debra Cromarty: "I really---As I understand it that was our agreement last year. This person was allowed on the property to inspect the mufflers which we had agreed to previously. So if we agreed to it previously. So if we agreed to it previously, I see no reason why we wouldn't do it in the future."

Councilman Prusinowski: "It is my understanding that there is some manufacturers guide lines on the performance of these mufflers. And I'm just guessing, but I imagine that a decibel reading would be necessary to be sure that the mufflers are performing properly."

Debra Cromarty: "I'm not sure about that. I'm not Midas Mufflers."

Victor Prusinowski: "I'm looking at a way to accomplish the goal without maybe putting a local law in setting a decibel reading as everybody is objecting to here and I think the concern

was a couple years ago was that for the racetrack to have a compromise with the community on these mufflers and I think it's a positive way to go."

Debra Cromarty: "We would like to be positive. We would be willing to talk and to take it further, absolutely. With some more definitives."

Supervisor Janoski: "I'm sure the Board will investigate. I would also like to ask if it means with compliance with all other provisions of the Local Law."

Debra Cromarty: "Refresh my memory please."

Supervisor Janoski: There is a provision that no race start after 10:45 which I am advised that is not adhered to as it should be. Would you be willing to nail that down also?"

Debra Cromarty: "We would be willing to sit and talk about the best way to operate Riverhead Raceway for the best of the people that love and enjoy racing and to run the business and to run it together with the community."

Supervisor Janoski: "Ok. Thank you Debra." Applause.
"Scottie"

Daniel Robertson, Riverhead: "Last year there was a call at Riverhead Raceway about mufflers. There were two police officers went up there and inspected every car. They all had their mufflers on. They were legal. That's one thing. Secondly this 69 decibel is the most ridiculous thing that ever was up in front of the Board here. If you're going to go 69 decibels you better go around half the businesses in Riverhead and close them down because they are illegal. We run a tire shop, we turn the compressors on which are illegal under your law. Most of the businesses are. Anyone that owns trucks, starts up the engine, close the business down because they are illegal. They are way over your decibel law. You are just taking one situation in this community and saying we are going to get them. If you go 69 decibels you want the raceway closed, you are not trying to coexist with it. You are trying to close it. That is what you are out to do at that level. Now nobody even come up and shut me down when I'm mowing the lawn because I'll be above your decibel reading too. Nothing is going to come under that decibel reading. So until you either change it, put it up. I'm completely against the law and I think that you are just taking the raceway and singling it out to around the turn and close the businesses down because this town is dying with your law." Applause.

Dick Benedict, Riverhead: "I think we are fortunate in Riverhead to have a Winston Cup Track. I know when I go on vacation. I have been to Riverhead Raceway since the 60's and I spent many an hour there and spent many hours working on cars and

many dollars there. And when I go on vacation, my wife wasn't too happy with it a lot of times, but I went to Winston Cup tracks or tracks all along the East Coast. Last year I went to Picket Speedway in South Carolina. These are Winston sanctioned tracks. Why should our rules have to be different than anybody elses. My home town in Pennsylvania, Jennerstown Speedway. You can see the Main Street. That speedway is now a blacktop speedway. It was dirt for about 30 years. They put up with the dirt, they put up with the dust. Now they are putting up with a half mile track. If you're going to put mufflers on a car, I'm not going to stop and see street cars, I want to see stock cars. I want to see what they are meant to be. They are not meant to be street cars. I'm not going to pay \$10.00 to go and watch somebody go around a circle if they can't get up the horsepower they are supposed to have. I don't believe anybody realizes what goes into a stock car. And I think that we are fortunate that we have a Winston Cup Track. And I'd like to see it stay. Thank you." Applause

Supervisor Janoski: "Steve."

Steve Haizlip, Calverton: "I'm just waiting for everybody to get with me. Since 1952 that track has been there. I think I was one of the first people to attend it when it first came there. Now, here comes along years later the Stark Brothers and they come to the Town Board and say, "we want to put up some trailers there." Well the Town Board didn't realize at the time probably the track was there. They forgot about it. So now here comes the people and they move in. And they say we can't take this. Then they start with the pressure. Now Mrs. Graff, she came up saying the Stark Brothers should put up a noise device. The proper name for it is a barrier and which deflect noise and at the same time absorb noise and doesn't let it go through. I want to comment some on this muffler that Denise spoke about. That is called a gutted muffler. That gutted muffler has been into play on race cars in Highport, North Carolina, Margeville, Virginia, Charlotte and all around. You really can't run a race car without a muffler. I'm not an engineer, but I know enough that you have to have a sommodified muffler, which is called a gutted muffler. You got, what they call back pressure in your engine and if you don't maintain the back pressure you don't get the performance out of the engine. By restricting the noise down to a Suzucki Lawn Mower then with all these baffles in it you restrict the performance and output of the engine. Well on the road that's all well and good because you are going maybe 50 - 55 miles per hour and it doesn't hurt it that much. But if you want to get performance and the man has put a lot of money into his car and he is out there trying to win a race, he should be allowed a little bit of modification to have his engine to perform and given a forward motion when he accelerates on it. Now, going into these two laws. I know just what they are 375 and 386. I made a point to find out. Many years ago my son put a thrash muffler on his car and naturally he was ticketed for it. So it irritated me some so I said if a muffler can be sold at a

local auto store and the state can collect sales tax on it, then the state is illegally collecting sales tax on an illegal auto part. Well their response back to us 375 and 376 is a highway item. The store can sell any illegal items for highway use and put it out into the fields and lots and properly collect sales tax. Well they defended their position, of course. They want their money too. I go along that the gutted mufflers as you so claim that you were informed on should be allowed so that these people can get their performance out of their car and let the competition and the thrill of their racing go on among the drivers. Let the Stark brothers put up a barrier for those people in their and let this entertainment for the public that wants to see it go on." Applause.

Ron Harrison, Millbrook Trailer Park, Calverton: "I live approximately 400 yards from the race track. I'm sure if you put a sound barrier it would solve all the problems. I went to a track in Langley, Virginia and the trailer parks are 50 feet from turn two wall and the people there have no problem. The solution would be to put a sound barrier up like the ones that approved for along the Expressway. Thank you." Applause.

Gary Falkner, Aqueboque: "I have been a resident in Riverhead Town for about a year now, but I have been going to the Riverhead Track since I've been born. I would just like to point out that a noise barrier would be the way to go without affecting the cars. I've been to tracks from Florida all the way up into Maine and as far west as Ohio as a hobby. My brother lives within walking distance of Williamsboro Race Track a half mile dirt track in Mechanicsburg, Pennsylvania. There are two race tracks within 6 miles of his house. Both of those race tracks are running high performance cars on dirt and neither one has a complaint. Mechanicsburg, Pennsylvania is a suburb of Harrisburg. It has about 6 times as many people as Riverhead and the track coexists right in the middle of apartment complexes. You can hear two of the tracks from his deck. I've been to Orange County which is a 5/8 mile dirt track and right in the middle of Middletown, New York roughly the same size of Riverhead or bigger as far as suburban area. There are many tracks throughout in the United States coexisting in highly urbanized and suburban areas. They back shopping malls up until recently and there is a large modern track in Nazareth, Pennsylvania right next to a shopping center. On the north side of it there is a shopping center. -Maybe a noise barrier would be the way to go. My other point about the law is if you put that track out of business it's one more tax paying thing you put down. You didn't mail me very nice greetings this year in my tax bill. I'd appreciate not seeing some more of that passed on to me. I'd like to see tax paying businesses stay in this town. They pay a lot more in taxes than anybody in that trailer park pays or is willing to pay." Applause.

Supervisor Janoski: "Anyone else wishing to address the board?"

Alice Graff: "You were talking about others in the community I live within distance of hearing the race track, I'm not that far away, but so it's part of life and once you turn your ear off, you don't hear it. I know of people that live at Glenwood who feel just as much about it as I do. Not everyone there is for closing the race track. Which is apparently the reason it's really going to be happening. Thank you."

Supervisor Janoski: "Thank you Alice. Yes."

Stanley Krupski, Calverton: "You're talking about these noise abatement walls and stuff. Why should the raceway have to plant shrubs or put up a noise abatement wall. When Mr. Stark expanded his own trailer park, he destroyed nature's own noise barrier. Let Mr. Stark put up the noise barrier." Applause.

Norah Dirska, Riverhead: "There are here nice clean cut gentlemen and ladies and I think it is a shame to take away from them some sports that they enjoy. They are not doing drugs, they not out drinking, they are not out mugging, for God sakes, let them have something. They have no bowling alley like the gentlemen said before, let them have something. Let Mr. Stark open his pocketbook and put a barrier there." Applause.

Supervisor Janoski: "Is there anyone else wishing to be heard? Scottie."

Daniel Robertson: "I'd like just to say that twice a year I go to other tracks and watch them. Both of these tracks, one is Dover, Delaware which is owned by the Town, it is right in the middle of the Town. It runs the Winston Cup cars which are the top cars. The noise there, you have to wear the muffs. The people in that town are so happy to have the track there that they put firework displays on, country western shows on all the Saturday nights and into Sunday. Another one is in Nazareth, Pennsylvania which is a closed track. The people asked Roger Penski, who is well known, he owns half Penski Leasing. The people asked him when he said he would take the track over if there was no noise abatement. They said go right ahead. As the gentlemen said the track is no more than about maybe 100 yards from a shopping center and they run their top cars too. These communities, they go along with the tracks. They put on shows, firework displays to bring the people in and it makes the town money. Why can't Riverhead go along with it and let them promote it too? If there wasn't as much animosity about it, you probably would have a lot more business in town." Applause.

Supervisor Janoski: Is there anyone else wishing to be heard? Yes sir."

Glenn Tyler, Aquebogue: "Everybody has stated pretty much what's at hand here and you haven't heard a thing from anyone who is opposed to a racetrack here. Nobody has said anything that they are opposed to the racetrack."

Supervisor Janoski: "Well we certainly don't need you to tell us that. That no one has spoken. It is a reasonable point. I would imagine that the weather probably has something to do with it."

Glenn Tyler: "Maybe you see that, but I'm just trying to make a point."

Supervisor Janoski: "Quite honestly I'm very happy about that. You can think about that for awhile. Quite frankly, let me point out to you that this proceeding is not to be judged on how many people are for or against. It is to be judged on the reasons that you supplied to us why it is either a good or a bad idea and that's a misconception that people have about public hearings, that if they have a whole bunch of people come down, that that is supposed to influence the decision. It's what you say the influences the decision. So one person making an outstanding point could win the day. So what is your position on this and -----"

Glen Tyler: "I'm definitely against the law. But I just don't understand but I guess-----"

Supervisor Janoski: "Is there anyone wishing to be heard at this time? Let me say that I'm glad that that young man made the point that he did because I had made up my mind to my next statement earlier today and I have informed the Town Board that this public hearing will be kept open for comment, written comment for a week, so any written comment that anyone wishes to supply to the Town Board will be part of the testimony to be considered have until close of business next Tuesday to supply that to the Town Board. I make that judgement based solely on the conditions and I particularly don't want charges made that under these weather conditions everyone who wished to be heard was not given the opportunity and we certainly don't want to have another hearing. So we will accept written comment for one week on this subject and on every other hearing that we have this evening. If you wish to put into writing any of your thoughts concerning this proposal, please you are welcome to do so. If there is no one else wishing to speak on this particular issue. Steve."

Steve Haizlip: "I just want to reiterate. Stanley mentioned about the weather conditions. I didn't think of it when I was up before but I thought of it now and I want to get it on the record. The only reason that we are stuck as of today in this metropolitan area with the mission control here that Governor Carey ordered his henchman to go over in Babylon on Montauk Highway and do it on a most foggy, heavy weather day, when nothing is rising. So naturally his snippers would pick it up and said oh we've gotta have the missions. He conspired with Hamilton Brothers standards and says build them the machine. So now I glad the court case came about and Mr. Allen is going to get in the act and supply the machines and it isn't a conspiracy."

Just a little bit I had to put in there. But my real issue is-----"

Supervisor Janoski: "Well it certainly is going to influence our decision here. What's your point here?"

Steve Haizlip: "But my real statement is when they came and took this noise thing, it hasn't been clarified if the wind conditions were blowing toward those mobile homes or is real damp and the inaudible would move out into the atmosphere faster and it winged just like when the bad weather made the emissions linger there. That is what I wanted to get there. All dependent on the type of weather when you do a test. In that report, I don't know if it says. Well the wind was today at 23 miles per hour south by southeast and the barometric pressure was a fifth and the temperature was a (inaudible). The dryness of the air was a (cannot distinguish) on the moisture content. It all has a big bearing on it."

Supervisor Janoski: "Steve there are copies of that study which are available for your perusal and you can pick that up at the Town Clerk's Office. Thank you Steve. Anyone else?"

Nicholas Capazzola, Riverhead: "I was just wondering if the people of the Town do go against the track. It would look mighty funny because you have all these people here that are for the track and then nobody here stands up against the track, I haven't heard anybody talk against the track so far tonight. You have all these people talking for the track and say if the Town does go against the track.-----"

Supervisor Janoski: "You know I just recognized something and I thank you for pointing it out and I apologize. You know you are supposed to identify yourself and where you are from when you speak."

Nicholas Capazzola: "I did."

Audience: "He did."

Supervisor Janoski: "Did you, I'm sorry. I didn't hear you. I'm sorry."

Nicholas Capazzola: "If the town does go against the track and for some ridiculous reason they close it down, what are the people going to think of the town? Then they are going to say well nobody even came up here to stand up against the track and they go and close it down. I can't understand that at all."

Councilman Prusinowski: "I just want to say something. During the last campaign Jim and I campaigned through this whole town and I think I ran into Stanley or someone at the Carving Board one night. There was a rumor going around. I just heard it this week that we want to close the racetrack down. Nobody on

this Town Board including most of the residents at Glenwood that I spoke to, I've been involved with this controversy for years, in fact one night we had probably 50% of the audience was from that community, Foxwood and Millbrook at the time and even at that public hearing they didn't want to close the race track down. What we have in opening tonight, Mrs. Cromarty said that they are going to come in and talk to the Town Board and we will work out some type of arrangement. I haven't read the decibel reports yet, it was commissioned by the previous Town Board. But nobody wants to close this racetrack down. This Public Hearing is not whether we are going to close this race track down. We're not going to close the racetrack down. We are proud to have the race track in Riverhead. We have a driver from Mattituck that is representing us all over the country at these National Cars. I think it is a wonderful thing and I agree with everything said."

Nicholas Capazzola: "I just wanted to use that as an example. Also another thing that we were talking about the mufflers before and they were asking, you know it's funny because you work on a car 6 days, 6 nights a week when you come home from work and you work on it until 11 or 12 o'clock at night. We've gone to the track and we were not allowed to take the car off the trailer until there were mufflers on the car. There was something said before about the inside of the mufflers. If nobody knows what they are looking for, how are they going to know what is right or what is wrong."

Councilman Prusinowski: "Well you're right and I think that's why I eluded to my question to Miss Cromarty, I said about would track personnel too, because I think that we have to be educated in the type of mufflers. A former promoter who was a manager of this track several years ago, last time I was on the Town Board, wrote to us confidentially and gave us some specifications on these mufflers also with some other data which I found very interesting. These are some of the topics that we will talk about with the operators of the race track."

Nicholas Capazzola: "Yes, the inspectors at the track, they are there because they know what they are looking at. If they are going to look at a muffler, I'm not going, just like you say what the inside of the mufflers is like-----"

Councilman Prusinowski: "Also we don't want to make the races unfair if there is a standard of mufflers the cars will have to use them. In Daytona they use the carburetor plates now to cut the speed down. Virginia race track when it was cold the guys were trying to warm up the tires, I saw that on television, NASCAR Officials walked around and pulled the thing. So all it has to be the same so there is no unfair competition."

Nicholas Capazzola: "The mufflers were put on the cars now and they are still complaining about the noise. They are talking about, we heard that there was stuff taken out of the mufflers. How do you know, if you don't know what you are looking at? The

inspectors are there because they know what they are looking for."

Supervisor Janoski: "You're a police officer Nick. You get sent to the race track to determine if mufflers are on the car and if they are in fact mufflers. Police officers ask me, are we supposed to take that muffler down, take it apart to find out if it is in fact is what we would describe as lay peoples being mufflers. Or do we take a noise level reading to see whether its doing its job as far as containing noise. These are problems that we are dealing with."

Nicholas Capazzola: "The thing of it is though, why would you send a police officer to go and inspect a muffler. His job isn't to inspect the muffler."

Supervisor Janoski: "His job is to enforce the ordinance which requires -----"

Nicholas Capazzola: "Enforce the ordinance, yes but if you ask him to take the muffler down and look at it that won't make any sense. That makes no sense at all. That's not his job. His job is to enforce the law not to wreck mufflers. So everybody is complaining what mufflers are like and what you are supposed to do and this and that. They have asked mufflers be put on the car and mufflers have been put on the car and then they are still complaining about the noise. Then they are still talking about putting up a noise barrier. The problem isn't inside the race track but on the outside the race track. If the people are complaining outside the racetrack about the noise let them put up the barrier. Not the race track."

Supervisor Janoski: "It is very nice to have these conversations, but let us get back on track here. There is a proposal before the Town Board to amend the local law which presently exists to include a provision for decibel levels to be met by the operators of the race track at the nearest residential property line. Please focus in on that particular subject sir."

Bob O'Rourke, Glen Cove: "I'm manager of the Riverhead Raceway and I live in Glen Cove. I'm not a taxpayer here. I would like to clarify something for you people. I heard you talking about the mufflers and I probably could clarify it just-----"

Supervisor Janoski: "Perhaps that you didn't hear what I just said. I'm asking you to address the question of the addition of an amendment providing for decibel levels to be met by your operation. Can you address that because we can milk this and have these nice conversations all night long. Try to keep on the subject."

Bob O'Rourke: "The decibel reading that you're talking about, 69 I believe. Right now if you took a decibel test of me

talking, I'm talking at about 73 believe it or not. If you took a meter and tested it. Other tests have been done. NY Subway is 119. There are lists of all different kinds of tests for the decibel reading and I believe that the salvation of the problem I was going to try to outline it to you with this muffler but you didn't want to hear it so -----"

Supervisor Janoski: "I'll tell you something. As I said before too many years I have tried reach accommodations with the racetrack. And I have been sadly disappointed occasion after occasion and as to whether I am willing to take the word again from the operators of the racetrack after having been burned several times in succession is questionable at this point. We have a proposal in front of us. I think we all know that a barrier could mitigate the circumstances. I suggested it years ago. Nobody wanted to talk about it. So here we find ourselves today, you want to tell us something that could mitigate the noise. I'm sure that there are ways of doing it and that's what I want to see is a willingness to work along with the Town or else we enact ordinances to make you comply so that we can have the information necessary to enforce it. I didn't want to get into this years ago and its been too many years. We saw signs go up that were illegal. We saw bleachers go up that were illegal. We saw a press box go up which was illegal. Now there comes a point that the racetrack attracted the attention of the people to it and the reason that we are here tonight is because of those violations. Because the race track was operating really without notice for a long time. And then these stories started to hit the paper about how the Town was trying to enforce the fire code of the State of New York. One thing after another and then people say that this is an opportunity that we can focus in on that racetrack and talk about noise. And here we are, years later debating the same issue, perhaps if we had some cooperation in the past. No one more than me wants to see coexistence here because I get beat from both sides. I can show you messages on my desk telling me that I am no good because I am caving in to the racetrack and I can show you telephone calls and messages that I am caving in to Glenwood Park. Let's focus in on the issue here and talk about what we have before us. If we can, through talks and discussions come up with another idea, God bless us for doing it. Will it be adhered to is another question and I will have some questions about that. Stanley, is that you?"

Stanley Krupski, Calverton: "Another reason why I'm against this ordinance is that you say that you are definitely not closing the raceway. Do you realize with your restrictions and ordinances you are definitely closing the racetrack. You have people leaving from this area and racing at different tracks out of state. In closing as far as your dealing with the track I have one thing to say, the past is the past. Let a dead horse rest."

Supervisor Janoski: "I have no way to judge the future but by the past. Anyone else wish to address the Board on this

issue? I thank you for the courteous way in which you present your case to the Town Board. We all appreciate it very much. I once again remind you that we will accept written comments on this proposal for a week, close of business next Tuesday. Without objection this hearing is closed. I think now is a good time to take a short recess until 10 past the hour of 9.

RECESS

Supervisor Janoski: "The meeting will return to order. Ladies and gentlemen we will proceed with the meeting. Let me just say that it should be very obvious that Councilman Lombardi is not here this evening. He has been admitted to the hospital a little earlier this afternoon and that is why he is not present at the meeting. I had recognized that I had failed to say that getting caught up in all the other things that were going on. We have two more public hearings to do. It is 16 minutes past 9 P.M. The Town Clerk will please read the notice of public hearing."

Town Clerk, Irene Pendzick: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, March 6, 1990 at 8 P.M. to hear all interested persons who wish to be heard regarding a proposed amendment to Section 108.64 Prefabricated Dwellings."

Patricia Moore, Town Attorney: "This involves prefabricated dwellings. Right now the process is that you need a special permit from the Zoning Board of Appeals for a prefabricated dwelling on a piece of property. Adding to the code is where a developer has a subdivision and in that subdivision he proposes to build several prefabricated dwellings within a short period of time or-----"

Councilman Stark: "Prefab is already built."

Town Attorney Moore: "Construct. Anyway they may apply for the permits for structures all at one time."

Supervisor Janoski: "Is there anyone present wishing to address the Town Board on this proposed code change? Alice"

Alice Graff, Riverhead: "In relation to this type of housing. When that fire was in Egypt at that hotel it was this type of a building a prefabricated structure and one of the things that they mentioned was that these buildings do not ---- they explode and everything. They are not like a stick built house. And so do the fire codes adjust to this type of situation? Because it is so much more combustible."

Town Attorney, Patricia Moore: "The construction for a prefabricated dwelling is the same as in any kind of a stick built home. The same fire code regulations, the same building code regulations apply. When a person comes in with a plan for a prefabricated home it has to meet all the state, building and fire code regulations that apply to stick built. So there is no difference there.'

Alice Graff: "According to the report on that fire in Egypt they said these types of buildings."

Supervisor Janoski: "This is not Egypt. This is not Egypt!"

Alice Graff: "I know, but I'm not talking about that."

Councilman Stark: "We don't have bombs over here either."

Alice Graff: "These type of buildings are much more--- explode much more than a stick building."

Supervisor Janoski: "Alice-----"

Alice Graff: "So I'm asking if the fire codes are any different than the State Codes!"

Supervisor Janoski: "No"

Councilwoman Civiletti: "They are different than they are in Egypt."

Town Attorney, Moore: "We don't know what they are in Egypt."

Alice Graff: "I'm not talking-----it's just while that fire was going on in Egypt I heard this statement about that particular type of building. They weren't talking about Egyptian Codes or anything like that. They were talking about the structure of that hotel."

Supervisor Janoski: "Alice, I can tell you that I visited two factories of these types of housing units and what the Town Attorney says is absolutely true. They are built exactly as any on site structure except that everything is precut and they are done on an assembly line and everybody does a particular job like building a car. They meet all the codes and they must of course. Do not confuse this with what is called, I want to say pre-engineered, a completely different thing. Anyone else wish to address the Town Board on this subject and we are not changing anything except if you were going to do a few of them you can apply once instead of doing it over, and over and over again. Anyone else? In that case without objection I declare the hearing to be closed. Let the record show that it is 9:21 P.M. The Town Clerk will please read the notice of public hearing."

Town Clerk, Irene Pendzick: "I have affidavits of publishing and posting of a Public Hearing to be heard at the Town Hall on Tuesday, March 6, 1990 at 8:10 P.M. to hear all interested persons who wish to be heard regarding an Amendment to Section 101-10.1 of the Town Code."

Town Attorney, Patricia Moore: "We are amending the provision that prohibits parking, standing or stopping at certain locations and I will read them off to you street location is at the Riverhead Town Police Headquarters and that would be along the curb immediately adjacent to the building on the east and south sides;

Also adjacent to Police Headquarters where marked stalls on the north side of the building;

And on the east side of Riverhead Town Police Headquarters, again where marked stalls from the north a distance of 130 feet."

Supervisor Janoski: "Is there anyone wishing to address the Town Board on this subject of-----what we are trying to do is to make sure that certain spaces are available to police officers when they are bringing someone in who might be under arrest or a juvenile so that they have access to the special door that is there for juvenile prisoners. Very often people who are under arrest are not willing to go along and we just want to make sure that easy access is there. Anyone wish to comment on this proposal. Steve."

Steve Haizlip: "I believe the attorney read off about the south and the east. That's taking up practically the whole length of the building on both sides. Then you go along and you say we want to make sure there is access when they bring in a prisoner. Do they need all that many spaces to bring in a prisoner or is it going to be reserved for police cars?"

Supervisor Janoski: "Its only marked stalls. We are not taking all the parking spaces."

Steve Haizlip: "You really only need two stalls for any prisoners or arrested people that you are going to put in the "can" there. You really don't need the whole side of the building."

Supervisor Janoski: "That's right. Anyone else wish to address the board on this very weighty issue? That being the case and without objection I now declare the hearing to be closed and because of the situation I am going to ask the Town Board consider a resolution this evening to adopting these regulative parking spaces which I have already prepared. Before we take up the resolutions is there anyone wishing to be heard on any subject or anything included in the agenda. Alice."

Alice Graff: "The cars and trucks are no longer at the Warsaw Development site, but there remains a trailer, a shed and much debris. Will this unsightly area be cleaned up?"

Supervisor Janoski: "Yes. We have information forthcoming from the Town Attorney."

Patricia Moore, Town Attorney: "We have been right on top of that. The shed or that building there, was occupied by a tenant. Lilco refused to cut off the electricity without an official eviction by the owner. So the owner had to go through an eviction proceeding in Justice Court. They are going through the paper work now. It will take a short period of time to go through the eviction process. Once that is done, they can cut off the electricity and they can bulldoze the building."

Alice Graff: "Alright. Will the speculators fines include the time and lawyer fees that have been a part of this Town's efforts to have our codes enforced?"

Patricia Moore, T. Attorney: "You pay me whether I enforce the code or not. We have been going through the Justice Court."

Alice Graff: "That's just letting the man get away with murder. It's further disregard for the law."

Patricia Moore, T.A. "We will take it into consideration."

Alice Graff: "Well, big deal. Can anyone tell me the status of the junk yard in Dr. Georgeson's backyard? He lives in Baiting Hollow."

Councilwoman Civiletti: "I was just telling the Supervisor that you spoke about this at the last Board Meeting."

Alice Graff: "That's correct. Does anybody have any idea of what's going on?"

Supervisor Janoski: "I know that we are proceeding on somebody's back yard. I don't know if this is the one. No it's not?"

Councilwoman Civiletti: "I know that the Ordinance Inspector has been advised of this, whether or not he has issued any notices or complaints, we will find out."

Alice Graff: "A month ago I asked about the removal of top soil on Edwards Avenue. Soil that is being carted out of Riverhead. This soil has been contaminated and according to law it was not allowed to be removed. I have not received any response to the concern of myself and the several persons that have called me since my inquiry. Two of these persons that called are also concerned that this may end up as a sand pit if the developer should belly up. It takes millennium of concentrated effort to produce 6 inches of top soil and so I ask are we going to continue to allow our good earth to leave Riverhead. And again what is the present status of this particular soil and if allowed to remove---Do they have to have a permit to do so? Any comments?"

Supervisor Janoski: "They have a permit to mine. Grading is absolutely permitted. I've asked the question concerning the regulations that you recite here as far as contaminated soil and what regulations govern and I don't have an answer back yet."

Alice Graff: "I hope that you are not asking just any ordinary person. I hope you are asking the proper authorities."

Supervisor Janoski: "No, I didn't stop the first person I met on the street and say " What do you know about this?" Audience laughter.

Alice Graff: "Never can tell these days. (laughing) Thank you."

Warren McKnight, Wading River: "But I here tonight not for Resolution #171, but I'm here in the capacity from THIS WEEK NEWSPAPER in reference to the editor Bill O'Hara. Bill O'Hara in his editorial statement on two successful positive stories about the Easthampton Police Department just completed with Tom Scott, Chief of Police just completed the Southampton Police Stories, positive stories about-----"

(tape malfunctioned and picked up with the vote of Resolution #161.)

RESOLUTIONS #152 THROUGH 181

SEE PAGE 205 THROUGH 261 IN RESOLUTION BOOK OF 1990

COUNCILWOMAN CIVILETTI--Commenting on Resolution #173 - Re-Establishes Farmland Task Force

"I have a comment that I would like to make about this. All of this is called a farmland task force and the subject that its been concerning itself with over the last four years or so has been called a Farm Preservation Program. Really what we are dealing with and with this Task Force is being asked to deal with is an update to the Town's land use plan and while the work that the Farmland Task Force has done and the adoption of I hope some of the recommendations made by that Task Force in the near future will certainly have implications for people engaged in agriculture in the Town of Riverhead. It will also have far reaching implications for a lot of other people in the Town of Riverhead. I think that it is very disappointing and perhaps a disservice that there aren't more representatives of civic groups and taxpayers associations like perhaps Taxpac on this Board. It is composed of farmers almost exclusively other than the director of our Planning Department and a member of the Planning Board. I think that's unfortunate and I don't think that's going to best serve the interest of the public in preparing this land use plan and hopefully adopting something by this Board as opposed to the

lack of adoption of prior Boards. For that reason, I feel that I should vote no.

Prusinowski, yes; Stark, yes; Civiletti, no; Janoski, yes; Lombardi, Absent.

RESOLUTION #179-1990 - APPROVES SPECIAL PERMIT OF BROAD COVE

DENISE CIVILETTI - "In approving a new special permit to Broad Cove, Inc. tonight, as this Board will be doing once the Supervisor casts his vote in favor of this action, the Town Board is making a very grave error that may well come back to haunt this Board and the people we're supposed to represent for many years to come.

Tonight, the Board is granting a permit to construct 396 two-bedroom condos, and 396 boat slips on this site, which is a designated Critical Environmental Area under our own Town Code. In spite of the designation as a Critical Environmental Area, the Board tonight chooses to require no further environmental review beyond that which was undertaken in 1984.

Other members of this Board may say that the SEQR process has already been completed and there is no need to re-open it; that this new permit represents a reduction in the number of units, so if anything, the environmental impact will be less than those of the original action; and that the developer has a "right" to build 396 condos under code, so there's no reason to make him start the process all over again.

In fact, there are very compelling reasons to start this process all over again, and to undertake the environmental review we are obligated to undertake by law.

The simple truth is, the SEQR process was completely botched up the first time around.

The Environmental Assessment Form filed by the developer contained a number of very serious inaccuracies--which were pointed out by various reviewing agencies and, nonetheless, ignored.

The Town Board declared itself lead agency in 1984, but never classified the action as a Type I Action as required by SEQR; nor did the Town Board ever issue a declaration of significance regarding environmental impacts, also as required by SEQR.

The Town Board held a scoping hearing---which is supposed to set the parameters of the Draft Environmental Impact Statement---after the DEIS had already been submitted, and never required the developer to go back and make the DEIS address the issues raised in the scoping session.

Then the Town Board accepted as complete a Final EIS which totally ignored dozens of comments and questions submitted by the State DEC, the Long Island Regional Planning Board, the Suffolk County Planning Commission, the Suffolk County Department of Health and the Town's own Conservation Advisory Council.

In short, the SEQR process in this application was a joke.

As the L.I. Regional Planning Board noted in its written comments on the DEIS, it was procedurally defective. A quick

perusal of the documents passed off as an Environmental Impact Statement in this action reveals that the process was substantively defective as well.

The EAF states that no portion of the property lies within the 100 year flood plain. In fact, a large portion of the property is---including areas shown on a subsequent site plan as developed with scores of residential dwelling units. The same EAF also states that the site contains no potential for hunting, fishing or recreational activities and that the project will generate no solid waste.

The DEIS is itself a lot of boilerplate nonsense and is virtually devoid of any meaningful analysis. Among other things it provides no analysis of:

- the project's impacts on the school system;
- its impact on sewage treatment and solid waste facilities;
- its impact on the health of Terry's Creek and the Peconic Bay, caused by road runoff, drainage and pollution from increased boat traffic;
- the impact of the substantial dredging required.

Nor does the DEIS develop any alternatives to the proposed action, something explicitly required by SEQRA.

All of these inadequacies and dozens more were pointed out by the appropriate reviewing agencies. Yet the Town Board chose to ignore them in 1985 and chooses to ignore them again tonight.

This is making a mockery of the law and a mockery of our stated intention to protect Critical Environmental Areas by undertaking meaningful environmental review.

When we denied the sixth extension of the special permit requested by the applicant in 1988, the developer took the Town to court. WE WON. On appeal, we will prevail again. The developer should not be granted a special permit in this manner tonight---without any meaningful environmental review or even any public discussion of this action. He should be required to file a new application and submit to a real review process this time around. Anything less is a sham--and we will all be stuck paying the price.

I vote NO.

THE VOTE: Introduced by Stark and seconded by Councilman Vic Prusinowski; Prusinowski, yes; Stark, yes; Civiletti, no; Janoski, yes; 3 yes, 1 no and 1 absent.

George Bartunek, Riverhead: "I became aware that the Town Board was going to pass a resolution on Broad Cove project tonight and I want to state my feelings that and I believe it's the feelings of the CAC. We haven't had a chance to discuss this but we were definitely relieved when the Town Board passed the resolution in 1988 which denied the extension of the Special Permit. There are a lot of things that have come to light since the DEIS was prepared in 1984, 7 1/2 years ago. At that time we looked at a lot of problems at Broad Cove and one of the things

that we did not address was the problem of boater pollution, no concern was made of the quality of the water that was tributary into the Peconic Bay Estuary. This is completely missing from the EIS. Nothing even addresses it. What affectively you're doing is approving or have approved 396 boat slips which is completely contrary to what the people of the East End towns have been trying to protect which is the bay system. I just had a chance to review the DEIS here and the only address, believe it or not, the whole statement is less than a paragraph on page 35 and that's all there is. It is an unbelievable small comment that just says that maybe there will be some petroleum by products that are spilled into the estuary. Obviously the reason why the Peconic Bay Task Force was established and has had so many meetings over the last couple of years is to simply to address the problems of boater pollution and petroleum by products and the by products from the construction of timbers and CCA products, paint by products that will get into the bay and now we are doing something completely the opposite of what we are trying to establish here. Here you have a bay system, the Terry's Creek has been designated as a critical environmental area. That is not something that was present in 1985 when the initial Special Permit was issued and the entire estuary is being proposed for adoption into the National Estuary Program. And still what the Town Board is doing here is approving something in my opinion because I don't represent the CAC. I'm not making a statement right now that does represent the CAC. I wish that your resolution had been tabled until after the next CAC meeting and we could make appropriate comments and my comments would have reflected the opinions of the CAC. I guess this is the only comment that I have at this time. I just felt that it was my duty to come in here tonight and make such a comment. Thank you."

Supervisor Janoski: "Thank you George. Anyone else. Without objection this meeting is adjour-----Steve, I'm sorry."

Steve Haizlip: "Denise in reading that report that you wrote up. You went through more alphabet than President Roosevelt invented. With all those alphabetical that you came up with, how is a person or a developer going to know what a person has to do. The state is in on top of it, the county is on top of it and then the town is issuing the permit and then they got to try to absorb and understand and disseminate all these things. When it is all said and done somebody along the line slips or the Town Board make an error on all these alphabet agencies where you should have done this and you should have done that. Mr. Bartunek mentioned about the water pollution. I think I recall speaking on this and I said there were too many buildings there. That with all the cesspools and everything if it went with the original, it would pollute it. I remember Vic coming back and saying, well 30,000 or 40,000 ducks lived there before. Now it isn't going to be ducks, it's going to be humans. My object of speaking too many alphabet soup agencies involved. A lawyer like Mr. Danowski, I think, had trouble understanding and comprehending it too."

Supervisor Janoski: "Thank you Steve. Without objection this meeting is adjourned."

There being no further business on motion or vote, the meeting adjourned at 9:57 P.M.

IJP:ch

A handwritten signature in cursive script, reading "Irene J. Pendzick".

Irene J. Pendzick
Town Clerk